

## § 238.114 Rescue access windows.

(a) *Number and location.* Except as provided in paragraphs (a)(1) and (a)(3) of this section, the following requirements apply on or after [EFFECTIVE DATE OF RULE]-

(1) *Single-level passenger cars.* Except as provided below and in paragraph (a)(5), each single-level passenger car shall have a minimum of two rescue access windows. At least one rescue access window shall be located in each side of the car entirely within fifteen feet of the centerline of the car, or entirely within seven and one-half feet of the centerline if the car does not exceed 45 feet in length. If the seating level is obstructed by an interior door or otherwise partitioned into separate or auxiliary seating areas, each separate seating area shall have a minimum of one rescue access window in each side of the seating area, located as near to the center of the car as practical.

(i) For ~~a~~ passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], ~~or and~~ placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], rescue access windows may be located within exterior side doors if at least one rescue access window is located within each end (half) and each side of the same passenger compartment.

(ii) **For a passenger car ordered prior to September 8, 2000, and placed in service prior to September 9, 2002, the requirements of paragraph (a)(1) apply on or after [INSERT DATE 18 MONTHS FROM PUBLICATION OF FINAL RULE] if the car has at least two exterior side doors (or door leaves), each with a manual override device, and such doors (or door leaves) are located one on each side of the car, but in opposite ends (halves) of the car (i.e., in diagonally opposite quadrants). The manual override device shall be:**

(A) **capable of releasing the door (or door leaf) to permit it to be opened without power from outside the car,**

(B) **located adjacent to the door (or door leaf) which it controls, and**

(C) **designed and maintained so that a person may access the override device from outside the car without requiring the use of a tool or other implement.**

(2) *Multi-level passenger cars - main levels.* Each main level in a multi-level passenger car is subject to the same requirements specified for single-level passenger cars in paragraph (a)(1) of this section, **with the exception of paragraph (a)(1)(ii), which is not applicable.**

(3) *Multi-level passenger cars - other levels (auxiliary seating areas).*

(i) Except as provided below, any other level used for passenger seating in a multi-level passenger car shall have a minimum of two rescue access windows in each seating area. The rescue access windows shall permit emergency responders to gain access to passengers in the seating area without requiring movement through an interior door or to another level of the car. At least one rescue access window shall be located in each side of the seating area. A rescue access window may be located within an exterior side door in the passenger compartment if it is not practical to place the access window in the side of the seating area.

(ii) Only one rescue access window is required in a seating area in a passenger compartment if:

(A) It is not practical to place a rescue access window in a side of the passenger compartment due to the need to provide accessible accommodations under the Americans with Disabilities Act;

- (B) There are no more than 4 seats in the seating area; and
- (C) A suitable, alternate arrangement for rescue access is provided.<sup>7</sup>
- (iii) For passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], only one rescue access window is required in a seating area in a passenger compartment if it is not practicable to place an access window in a side of the passenger compartment (due to the presence of such structures as a bathroom, electrical locker, or kitchen) and there are no more than 8 seats in the seating area.
- (4) *Cars with sleeping compartments or similar private compartments.* Each level of a passenger car with a sleeping compartment or a similar private compartment intended to be occupied by passengers or train crewmembers shall have a minimum of one rescue access window in each such compartment. For purposes of this paragraph, a bathroom, kitchen, and locomotive cab are not considered "compartments."
- (5) *Dual-function windows.* If on any level of a passenger car the emergency window exits installed to meet the minimum requirements of § 238.113 of this part are intended to function as rescue access windows, the rescue access window number and location requirements of paragraphs (a)(1) through (a)(4) of this section are met for that level.
- (b) *Ease of operability.* On or after [EFFECTIVE DATE OF FINAL RULE], each rescue access window must be capable of being removed without undue delay by an emergency responder using either:
  - (1) a provided external mechanism; or
  - (2) tools or implements that are commonly available to the responder in a passenger train emergency.
- (c) *Dimensions.* Each rescue access window in a passenger car, including a sleeping car, ordered on or after [ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service for the first time on or after [THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], shall have an unobstructed opening with minimum dimensions of 26 inches horizontally by 24 inches vertically. A rescue access window located within an exterior side door, in accordance with the requirements of paragraph (a)(3)(i) of this section, may have an unobstructed opening with minimum dimensions of 24 inches horizontally by 26 inches vertically. A seat back is not an obstruction if it can be moved away from the window opening without requiring the use of a tool or other implement.
- (d) *Marking and instructions.* Each rescue access window shall be marked with a retroreflective, unique, and easily recognizable symbol or other conspicuous marking. Legible and understandable window-access instructions, including instructions for removing the window, shall be posted at or near each rescue access window.<sup>8</sup>

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<sup>7</sup> Kawasaki presented a car design to the task force that contained an emergency window exit in the vestibule side door and an interior door with a removable window panel (with pull handles on both sides) that leads to the seating area.

<sup>8</sup> The requirements of § 223.9(d)(2), which concern rescue access window marking and instructions, have been moved here. As a "rescue access window" is defined as a window intended for

## ORIGINAL CONSENSUS RULE TEXT

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(2) *Multi-level passenger cars - main levels.* Each main level in a multi-level passenger car is subject to the same requirements specified for single-level passenger cars in paragraph (a)(1) of this section.

(3) *Multi-level passenger cars - other levels (auxiliary seating areas).*

(i) Except as provided below, any other level used for passenger seating in a multi-level passenger car shall have a minimum of two rescue access windows in each seating area. The rescue access windows shall permit emergency responders to gain access to passengers in the seating area without requiring movement through an interior door or to another level of the car. At least one rescue access window shall be located in each side of the seating area. A rescue access window may be located within an exterior side door in the passenger compartment if it is not practical to place the access window in the side of the seating area.

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emergency access by emergency responders, the text of § 223.9(d)(2) fits logically here. The last sentence of the paragraph reflects the TF agreement to require the instructions “at or near” each such window.

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(iii) For passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], only one rescue access window is required in a seating area in a passenger compartment if it is not practicable to place an access window in a side of the passenger compartment (due to the presence of such structures as a bathroom, electrical locker, or kitchen) and there are no more than 8 seats in the seating area.

(4) *Cars with sleeping compartments or similar private compartments.* Each level of a passenger car with a sleeping compartment or a similar private compartment intended to be occupied by passengers or train crewmembers shall have a minimum of one rescue access window in each such compartment. For purposes of this paragraph, a bathroom, kitchen, and locomotive cab are not considered "compartments."

(5) *Dual-function windows.* If on any level of a passenger car the emergency window exits installed to meet the minimum requirements of § 238.113 of this part are intended to function as rescue access windows, the rescue access window number and location requirements of paragraphs (a)(1) through (a)(4) of this section are met for that level.

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- (1) a provided external mechanism; or
- (2) tools or implements that are commonly available to the responder in a passenger train emergency.

(c) *Dimensions.* Each rescue access window in a passenger car, including a sleeping car, ordered on or after [ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service for the first time on or after [THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], shall have an unobstructed opening with minimum dimensions of 26 inches horizontally by 24 inches vertically. A rescue access window located within an exterior side door, in accordance with the requirements of paragraph (a)(3)(i) of this section, may have an unobstructed opening with minimum dimensions of 24 inches horizontally by 26 inches vertically. A seat back is not an obstruction if it can be moved away from the window opening without requiring the use of a tool or other implement.

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<sup>8</sup> The requirements of § 223.9(d)(2), which concern rescue access window marking and instructions, have been moved here. As a "rescue access window" is defined as a window intended for emergency access by emergency responders, the text of § 223.9(d)(2) fits logically here. The last sentence of the paragraph reflects the TF agreement to require the instructions "at or near" each such window.